

REMARKS

Applicants would like to acknowledge, with appreciation, the Examiner's ongoing effort associated with prosecution of this application. The Office Action dated June 20, 2007 has been carefully reviewed. Reconsideration of this application is respectfully requested.

CLAIM OBJECTIONS

Claim 9 was objected to for being dependent on itself. Such an informality has been corrected. Specifically, claim 9 has been amended to be dependent on claim 8.

SECTION 103 REJECTIONS

Claims 1-13 were rejected under Section 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0004792 A1 of Townzen et al. (hereinafter simply "Townzen") in view of U.S. Patent No. 6,329,930 issued to Parsadayan (hereinafter simply "Parsadayan"). Applicants note that Townzen is useable as a reference under Section 103(a) only insofar as it qualifies as a reference as defined by 35 U.S.C. § 102(e). Specifically, Townzen has a filing date that is thirteen (13) days before the filing date of the above-captioned application (i.e., Townzen was filed on June 29, 2001).

The Examiner is kindly directed to the declarations of co-inventors Mark Pratt and David Harpold, filed under 37 C.F.R. § 1.131, and transmitted herewith. The declarations, and supporting Exhibits A-C, establish that the invention as defined by claims 1-13 was made prior to June 29, 2001, the filing date of Townzen. The declarations include photocopies of sketches, an abstract, and a schematic which show the features of the subject invention. Each of such documents was generated prior to the filing date of Townzen. Therefore, Applicants believe that Townzen is not a valid reference under Section 103(a) and respectfully request that it be removed from consideration.

Because of this, it is respectfully requested that the Section 103(a) rejections of claims 1-13 be withdrawn.

REQUEST OF THE EXAMINER


Applicants have appealed to the Board of Appeals in this case on two occasions. On both occasions, a new examiner was assigned and prosecution was reopened. This has led to a prolonged prosecution thereby burdening the Applicants with unfortunate delay and expense. Applicants believe that the remarks made herein place the subject application in a condition for allowance. To the extent that the subject application is not deemed allowable by the Examiner, the Applicants request the courtesy of a telephone call to the undersigned attorney so that a visit to the USPTO to meet with the Examiner can be arranged. In particular, to the extent that the Examiner believes further rejection of the claims is warranted, Applicants Pratt and/or Harpold would like to meet with the Examiner to discuss the subject application in an effort to facilitate prosecution for all parties involved.

CONCLUSION

In view of the foregoing remarks, it is submitted that the application is in a condition for allowance.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 37837-75702.

Respectfully submitted,
BARNES & THORNBURG LLP


Shawn D. Bauer
Attorney Reg. No. 41,603

Indianapolis, IN
(317) 231-7313